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7 *STATE FARM MUTUAL AUTOMOBILE*
INSURANCE COMPANY

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

11 ***

12 LAURA HIGGINS,

13 Plaintiff,

14 vs.

15 STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign
16 corporation; TYCE GUMMOW, an
individual; KATIE KING, an individual;
17 DAVID FLETCHER, an individual; DOE
STATE FARM EMPLOYEE, an individual;
18 DOE INDIVIDUALS I-X, inclusive; and ROE
CORPORATIONS I-X, inclusive,

19 Defendants.
20
21

Case No. 2:22-cv-00556-JCM-DJA

**STIPULATION TO MODIFY AND
EXTEND JOINT DISCOVERY PLAN
AND SCHEDULING ORDER**

(FOURTH REQUEST)

22 Pursuant to LR IA 6-1, LR 7-1 and LR 26-3, the parties, through their respective counsel,
23 stipulate to modify and extend the discovery cutoff date and other case deadlines (currently set forth
24 in ECF No. 23) to facilitate participation in a formal mediation. Good cause for this stipulation exists
25 based on the following:

26 **A. Discovery completed**

27 The parties conducted their initial conference pursuant to Fed. R. Civ. P. 26(f) on April 25,
28 2022.

1 Plaintiff served written discovery on April 27, 2022. Defendant served written discovery on
2 May 23, 2022. Also in May 2022, the parties served their initial disclosures pursuant to Fed. R. Civ.
3 P. 26 (Defendant on May 5, 2022, and Plaintiff on May 9, 2022). The parties served their written
4 discovery responses on July 1, 2022.

5 Plaintiff served her first supplemental disclosures pursuant to Fed. R. Civ. P. 26 on August
6 30, 2022. This disclosure contained additional medical records.

7 Defendant deposed Plaintiff on December 1, 2022. Defendant has continued to obtain
8 Plaintiff's medical records pursuant to authorizations from late 2022 to the present.

9 Defendant served its first supplemental disclosures pursuant to Fed. R. Civ. P. 26 on January
10 9, 2023. This disclosure included voluminous medical records (approximately 900 pages).

11 Plaintiff served her second supplemental disclosures pursuant to Fed. R. Civ. P. 26 and her
12 initial expert witness disclosures on January 17, 2023. Plaintiff has disclosed an insurance claim
13 handling expert witness (Daniel Fink, CIC, CRM, CPCU, CRIS, AAI) and a medical expert witness
14 (Jason Garber, M.D.).

15 Defendant served its initial expert witness disclosures on February 8, 2023. Defendant has
16 disclosed a medical expert witness (Andrew Cash, M.D.) and an accident
17 reconstruction/biomechanical expert witness (Keith Stolworthy, Ph.D., P.E.).

18 Defendant served its fourth supplemental disclosure on March 29, 2023. This supplement
19 included provisions from Defendant's claim handling manuals (approximately 9,500 pages).

20 Defendant served its rebuttal expert witness disclosures on April 7, 2023. This disclosure
21 included rebuttal reports by Dr. Cash and Dr. Stolworthy, as well as a rebuttal insurance claim
22 handling expert, Edward J. McKinnon, RPA.

23 Defendant served its fifth supplemental disclosure on April 27, 2023. This supplement
24 included additional provisions from Defendant's claim handling manuals (approximately 1,600
25 additional pages).

26 **B. Discovery that remains to be completed**

27 Written discovery has been completed.

The following depositions remain to be taken:

1. Defendant's witness pursuant to Fed. R. Civ. P. 30(b)(6)
2. Jason Garber, M.D. (Plaintiff's medical expert witness)
3. Daniel Fink (Plaintiff's claim handling expert witness)

The parties may depose additional witnesses, including but not limited to treating physicians and expert witnesses.

C. Reasons why remaining discovery was not completed

The parties have diligently engaged in written discovery. Pursuant to meet and confer efforts, Defendant has produced additional documents pursuant to a confidentiality stipulation and protective order in advance of Plaintiff's deposition of Defendant's corporate representative(s) pursuant to Fed. R. Civ. P. 30(b)(6). The parties have now agreed to participate in a formal mediation on or about July 14, 2023. Accordingly, the parties seek additional time to facilitate this mediation and postpone the depositions until after the mediation.

D. Proposed schedule for completing remaining discovery

The parties have agreed to extend the operative discovery cutoff, dispositive motion and joint pretrial order deadlines by approximately ninety (90) days as follows:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	May 29, 2023 (ECF No. 23)	August 29, 2023
Deadline to Amend Pleadings or Add Parties	December 27, 2022 (ECF No. 18)	None
Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	January 25, 2023 (ECF No. 18)	None
Rebuttal Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	April 7, 2023 (ECF No. 23)	None
Dispositive Motions	June 28, 2023 (ECF No. 23)	September 28, 2023
Joint Pretrial Order	July 28, 2023 (ECF No. 23)	October 27, 2023

1 This fourth request for an extension of time is not sought for delay or any other improper
2 purpose. The parties respectfully submit that the reasons, facts and circumstances set forth above,
3 and primarily the parties' mediation scheduled for July 14, 2023, constitute good cause for the
4 extension. This extension will not prejudice any of the parties, and no trial date has been scheduled.

5 DATED this 18th day of May, 2023

DATED this 18th day of May, 2023

6 LEWIS BRISBOIS BISGAARD & SMITH

RICHARD HARRIS LAW FIRM

7
8 /s/ Jeffrey D. Olster

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13 *STATE FARM MUTUAL AUTOMOBILE*

INSURANCE COMPANY

14
15 **ORDER**

16 IT IS SO ORDERED.

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19 UNITED STATES MAGISTRATE JUDGE

20 DATED: May 19, 2023